



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Professions Licensure
Board of Registration in Dentistry
250 Washington Street, Boston, MA 02108

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

Tel: 617-973-0971

Fax : 617-973-0980

TTY : 617-973-0988

www.mass.gov/dph/dentalboard

MARY A. BECKMAN
Acting Secretary

MARGRET R. COOKE
Commissioner

February 1, 2023
Via WebEx from 250 Washington Street
Boston, Massachusetts 02108

AGENDA

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator, Sofie Daley, Sofie.Daley@mass.gov, in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.

General Session is open to the public and may be viewed and/or heard via WebEx.

WebEx Information: If at all possible, please call the Board at (617) 973-0970 at least 24 hours before the meeting to request an email invitation to attend this meeting by video conference. The invitation will contain a direct link to the meeting.

You may also obtain video and audio access to all sessions of the meeting open to the public through the following link:

<https://eohhs.webex.com/eohhs/j.php?MTID=m377f0acb3476a573edb81dc9b3cb83bb>

Call-in number for audio-only attendance: 1- (617) 315-0704 (toll) or 1-(650) 479-3208 (toll) only if you have no access to video conference.

Access Code: 2530 136 9862 Attendee ID: #

Time	#	Item	Exhibits	Contact
8:30 a.m.	I	CALL TO ORDER, DETERMINATION OF QUORUM, AND APPROVAL OF AGENDA		

8:32	II	ADMINISTRATIVE MATTERS <ol style="list-style-type: none"> 1. Review of Policy on Clinical Examinations—Dental and Dental Hygiene 2. GMC Staff Action Licensure Report 3. Review of BORID General Session Minutes: January 11, 2023 	Memos, Draft Minutes	J Mills J Petrillo B Young
9:20	III	COMPLAINT RESOLUTION: PENDING BOARD MATTERS <ol style="list-style-type: none"> 1. DEN-2021-0051: Dr. Malek Esrawi 2. DEN-2021-0069: Dr. Patrick Dermesropian 3. DEN-2020-0094: Dr. Viktoria Talebian 4. DEN-2020-0051: Dr. Jeffrey Dixon 5. DEN-2020-0055: Dr. Philip Cabrera 6. SA-INV-17849: Dr. Walid Denhi 	Investigation Reports, Memos, Attachments	J Bueno R Heard D El-Majdoubi K O'Connell
10:20	IV	FLEX SESSION		
10:30		BREAK		
10:45	V	EXECUTIVE SESSION (closed to the public) The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purposes of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against an individual. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve medical records and information of patients.		
12:15 p.m.	VI	ADJUDICATORY SESSION (closed to the public)		
12:30 pm		ADJOURNMENT		

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
250 Washington Street, Boston, MA 02108
GENERAL SESSION MINUTES
February 1, 2023

Present: Dr. Michael Scialabba, Board Chair; Dr. Thomas Trowbridge, Board Secretary;
Dr. Richard T. Miller; Dr. Seema Jacob; Dr. Sabina Malla; Ms. Jacyn Stultz, RDH;
Ms. Stacy Haluch, RDH

Absent: Ms. Jennifer McKeon, RDH, CDA; Ms. Ailish Wilkie

Board Staff Present: Barbara A. Young, RDH, Executive Director; Jeffrey Mills, Asst. Executive Director; Jacqueline Petrillo, Esq., Board Counsel; Michael Egan, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Jaris Bueno, Kathleen O'Connell, Rhonda Heard, and Deborah El-Majdoubi

Motion: At 8:31 a.m., to adopt the proposed agenda for today's meeting

Motion Made By: Ms. Stacy Haluch

Second: Dr. Richard T. Miller

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,
Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob,
Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Administrative Matters:

1. Review of BORID Policy on Clinical Competency Exams – Barbara A. Young, RDH Executive Director

Dr. Mina Paul, BORID's ADEX representative, and Dr. Ben Wall on behalf of the CDCA were present via WebEx for the discussion of the Board on this matter and answered all questions as appropriate.

Dr. Paul reminded the Board she has been the Board's representative to ADEX since 2009 and noted she is also a board examiner for the CDCA exams. Dr. Wall indicated he is the director of exams for the CDCA and noted three exams, the CDCA, WREB and CITA exams, have recently merged and all exams now follow the ADEX format when it comes to content, scoring, etc. Dr. Wall stated the exam format previously used by the WREB is no longer utilized. Dr. Paul agreed noting the exam remains the same and has moved closer to a national exam as many states now only accept a passing score on an ADEX exam. However Dr. Paul noted the CRDTS and SRTA exams are still offered but are not widely accepted.

Ms. Young asked if Nevada and Florida are still offering their own exam; Dr. Paul replied they are not noting Nevada and Florida now require a passing score on an ADEX exam. Dr. Scialabba asked if the data indicates any difference in performance on the traditional patient-based exam vs. the manikin-based exam; Dr. Wall replied the research indicates the passing rate on the manikin-based exam has dropped somewhat but noted the lesions on the compodont have been standardized. Further Dr. Wall noted the data indicates the candidate is failing the manikin-based exam for the same reasons as the patient-based exam, i.e. missing the presence of caries. Dr. Paul explained the data is collected yearly and analyzed and stated the manikin-based exam is still testing the candidate for the same clinical skills.

Ms. Young asked if the manikin-based exam is now offered more frequently noting several licensure applicants have reported difficulty in locating an available exam. Dr. Paul replied it is still up to the schools to decide when to offer the exam. Dr. Wall noted staff will work with a candidate to find an available exam slot. Ms. Stultz asked if the same was true for dental hygiene candidates; Dr. Wall replied it is but noted the process is somewhat slower for dental hygiene candidates. Dr. Trowbridge asked if the patient-based exam is offered on the same date as the manikin-based exam; Dr. Wall replied last year 92% of candidates took the manikin-based exam while only 8% completed the restorative section on a live patient.

Ms. Young asked about the deadline for signing up for an exam; Dr. Wall replied candidates are required to sign up for an exam 2-3 weeks before the exam date. Dr. Paul noted some dental students opt to take some of the sections during the third year but Dr. Wall noted the student's school still must certify the student is ready to take the exam. Ms. Young asked if the prosthodontics section is still offered; Dr. Wall replied it is but noted the periodontics section is still optional. Dr. Paul noted periodontal diagnosis is part of the DSE while a candidate's periodontal clinical skills is tested in the clinical portion. Dr. Scialabba noted the dentists have begun scheduling prophylaxis and SRPs due to the shortage of dental hygienists and suggested the Board consider making the periodontics section a requirement.

Dr. Paul noted the Board's policy that requires proof of a passing score of 75% or higher is no longer viable as candidates are now scored on a pass/fail basis. Ms. Young indicated she will revise the Board's current policy on clinical competency exams to reflect today's discussion and will submit the proposed revision to the Board for its consideration at its meeting on March 1, 2023. Ms. Young invited Dr. Paul and Dr. Wall to participate in that meeting; both accepted.

2. Good Moral Character Staff Action Licensure Report – Barbara A. Young, RDH Executive Director

Ms. Young indicated she does not have a report to submit for the Board's consideration for the period of 1.12.23 to today.

3. Review of the General Session Minutes of the Board Meeting on January 11, 2023

Motion: To approve the General Session Minutes of the January 11, 2023, Board meeting

Motion Made By: Ms. Stacy Haluch

Second: Dr. Richard T. Miller

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob,

Ms. Stacy Haluch, Ms. Jacyn Stultz

Opposed: None

Abstain: None

Complaint Resolution – Investigator Jaris Bueno

--In the Matter of DEN-2021-0051: Dr. Malek Esrawi

Dr. Thomas Trowbridge recused himself from the discussion and vote of the Board on DEN-2021-0051: Dr. Malek Esrawi.

Vincent Dunn, Esq. was present on behalf of the licensee, via WebEx, for the discussion and vote of the Board on this matter.

Allegation(s): Employment of an unlicensed dental assistant

Materials Reviewed: Investigative report with attachments

Discussion: Ms. Bueno informed the Board the licensee employed a dental assistant who practiced on an expired license from 6/29/20 to 2/1/21. Ms. Bueno noted the licensee apologized and indicated he thought the dental assistant at issue was duly licensed. Ms. Bueno noted the licensee was in compliance with the CEU requirements for the 2020-2022 cycle but did not complete the required infection control course and did not complete a Board-approved course on safe and effective opioid prescribing/pain mgmt. as required. Atty. Dunn noted the licensee did complete an opioid course that does satisfy the statutory requirements but Mr. Mills noted these courses must be pre-approved by the Board to be considered acceptable and the host/sponsor of this particular course has not submitted the course to the Board for its approval. Atty. Dunn asked if the Board could approve the opioid course *nun pro tunc* but Ms. Young replied the course is not before the *Board* so that is not permissible.

Motion: **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following conditions and remedial coursework:**

- **3 Hours: Risk management**
- **1 Hour: Ethics**
- **Proof of the successful completion of a Board-approved course on safe and effective opioid prescribing/pain mgmt.**
- **Passing score on the ethics and jurisprudence exam**
- **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. Richard T. Miller

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Complaint Resolution – Investigator Rhonda Heard

--In the Matter of DEN-2021-0069: Dr. Patrick Dermesropian

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation(s): Employment of an unlicensed dental assistant

Materials Reviewed: Investigative report with attachments

Discussion: Ms. Heard informed the Board the licensee employed an unlicensed dental assistant from 2015 until 10/29/19 when the dental assistant at issue was issued her license. Ms. Heard noted the licensee is the owner of several Aspen Dental locations and did apologize for his oversight. Ms. Heard noted this not the first complaint opened against this licensee for this issue but indicated the licensee has since changed his procedures for ensuing licensure of staff.

Motion: To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following conditions and remedial coursework:

- 3 Hours: Risk management
- 2 Hours: Ethics
- Passing score on the ethics and jurisprudence exam
- Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Ms. Jacyn Stultz

Discussion (cont'd): Ms. Young asked why stayed probation when this is not the first complaint opened against this licensee for this issue; Atty. Petrillo asked if there was any Board precedent. Ms. Young replied only the language of the staff action policy on unlicensed practice. Mr. Mills noted the dental assistant at issue practiced for quite a while without first obtaining a license and the licensee failed to submit a letter of intent for this dental assistant.

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Complaint Resolution – Investigator Rhonda Heard

--In the Matter of DEN-2020-0094: Dr. Viktoria Talebian

Dr. Richard T. Miller recused himself from the discussion and vote of the Board on DEN-2020-0094: Dr. Viktoria Talebian.

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation(s): Employment of an unlicensed dental assistant

Materials Reviewed: Investigative report with attachments

Discussion: Ms. Heard informed the Board the licensee employed a dental assistant who practiced on an expired license from 11/1/19 to 5/11/20. Ms. Heard noted the licensee apologized for her oversight but Ms. Stultz noted the dental assistant indicates she lost her license and did not realize the license had expired. Ms. Stultz asked if this licensee posts all licenses as required in her office. Atty. Petrillo advised the Board there are extenuating circumstances and recommended the Board consider dismissing this complaint.

Motion: **To dismiss the complaint with an advisory letter on the licensure requirements**

Motion Made By: Dr. Michael Scialabba

Second: Ms. Stacy Haluch

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Complaint Resolution – Investigator Deborah El-Majdoubi

--In the Matter of DEN-2020-0051: Dr. Jeffrey Dixon

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation(s): Employment of an unlicensed dental assistant

Materials Reviewed: Investigative report with attachments

Discussion: Ms. El-Majdoubi informed the Board it is alleged this licensee employed a dental assistant who practiced on an expired license from 11/1/17 to 9/14/18 but noted this licensee is not the owner of the practice and does not have hiring or firing authority. Ms. El-Majdoubi noted the practice was purchased by Dr. Robert Matthews in January 2019 and the dental assistant at issue only worked one day each week.

Motion: **To dismiss the complaint as no evidence of violation found**

Motion Made By: Dr. Thomas Trowbridge

Second: Dr. Richard T. Miller

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,
Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob,
Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Complaint Resolution – Investigator Deborah El-Majdoubi

--In the Matter of DEN-2020-0055: Dr. Philip Cabrera

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation(s): Employment of an unlicensed dental assistant

Materials Reviewed: Investigative report with attachments

Discussion: Ms. El-Majdoubi informed the Board it is alleged the licensee employed a dental assistant who practiced on an expired license from 11/1/19 to 3/5/20 but noted the licensee and the dental assistant at issue both deny the allegations stating the dental assistant only worked as front desk staff. Ms. El-Majdoubi noted the licensee was short CEUs for the 2018-2020 licensure cycle but cleared up that deficiency in Sept. 2020. Ms. El-Majdoubi noted the licensee is in compliance with his CEUs for the 2020-2022 cycle.

Motion: **To dismiss the complaint as no evidence of violation found with an advisory letter on the continuing education requirements and the delegable duties chart for dental auxiliaries at 234 CMR 5.00**

Motion Made By: Dr. Michael Scialabba

Second: Dr. Richard T. Miller

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,
Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob,
Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of SA-INV-17849: Dr. Walid Denhi

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation(s): Infection control violations

Materials Reviewed: Investigative report with attachments
Photographs of the licensee's dental practice

Discussion: Ms. O'Connell informed the Board this complaint was referred to the Board by the Bureau of Labor Standards and noted the complainant alleges the licensee was not cleaning his office and was not conducting contact tracing after a staff member tested positive for COVID. Ms. O'Connell noted the licensee did submit proof his staff has been trained on appropriate COVID protocols after his dental office reopened.

Dr. Trowbridge asked if the Bureau of Labor Standards did anything in response to the complaint; Ms. O'Connell replied she did not know but noted OSHA will often conduct an inspection after receiving such a complaint.

Motion: **To not open a formal complaint as no evidence of violation found**

Motion Made By: Dr. Richard T. Miller

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Flex Session:

1. Ms. Stultz asked about an email she received from a former student who had applied for the open dental investigators position but was told she did not qualify. Atty. Petrillo replied this is not the proper forum for that discussion and suggested the applicant contact HR directly.
2. Dr. Trowbridge asked about the pending return to in-person meetings; Ms. Young replied we are still moving ahead with resuming in-person Board meetings at 600 Washington Street and indicated we should be able to hold such a meeting in March 2023. However Atty. Petrillo advised the Board that even if it returns to an in-person format before 3/31/23, the Board would be required to offer the virtual option in addition to the in-person meeting. Dr. Trowbridge suggested postponing the Board's return to in-person

meetings until April 2023 as the current extension of the Open Meeting Law waiver expires on 3/31/23; Dr. Scialabba and the other Board members agreed.

3. Ms. Young thanked the Board members who participated in the two Board courses at the Yankee Dental Congress and indicated both courses were well attended. Dr. Scialabba noted there was some grandstanding by one attendee during the BORID Update course

noting the individual was upset dental assistants may work for temporary agencies. Ms. Stultz suggested setting up a microphone in the audience for use by individuals who have questions for the Board; Dr. Trowbridge agreed and noted he will ask the Mass. Dental Society to provide a microphone for the attendees. Ms. Stultz noted the dental assisting course was sold out and recommended extending that course to two hours; Ms. Young agreed and indicated she would ask the Mass. Dental Society about lengthening the course to two hours.

At 9:56 a.m., Dr. Scialabba announced that the Board will meet in a closed session, beginning at 10:45 a.m., as authorized for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and the treatment of patients. The Executive Session is closed to members of the public except as provided for in M.G.L. c. 30A, §21(a)(1). At the conclusion of the Executive Session, the Board will enter a closed Adjudicatory Session before returning to its General Session and adjourning the meeting for the day.

Motion: At 9:57 a.m. to enter an Executive Session pursuant to M.G.L. c. 30A, §21 (a)(1)

Motion Made By: Ms. Stacy Haluch

Second: Dr. Thomas Trowbridge

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz

Opposed: None

Abstain: None

The Board took its morning recess at 9:58 a.m. and resumed its meeting at 10:46 a.m.

The Board took its afternoon recess at 11:39 a.m. and resumed its meeting at 11:45 a.m.

Motion: At 12:48 p.m. to enter an Adjudicatory Session

Motion Made By: Dr. Michael Scialabba

Second: Ms. Stacy Haluch

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,
Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob,
Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Motion: At 12:59 p.m. to re-enter an Executive Session pursuant to M.G.L.
c. 30A, §21 (a)(1)

Motion Made By: Dr. Thomas Trowbridge

Second: Ms. Stacy Haluch

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,
Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob,
Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Motion: At 1:12 p.m. to adjourn the meeting

Motion Made By: Dr. Michael Scialabba

Second: Ms. Stacy Haluch

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,
Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob,
Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: None

Respectfully submitted,

Board of Registration in Dentistry
General Session Agenda & Minutes
February 1, 2023
(Approved by the Board on March 1, 2023)

Barbara A. Young, RDH, JD
Executive Director

Date: February 13, 2023